

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING
JUDGE ARTHUR S. BLOCK,

NO. 167.

NOTICE OF
FORMAL PROCEEDINGS

To Arthur S. Block, a judge of the Riverside County Municipal Court from June 29, 1982 to July 28, 2000, and a judge of the Riverside County Unified Superior Court from July 29, 2000 to the present.

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action within the meaning of Article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, to wit:

COUNT ONE

A. In approximately October 2000, Deputy County Counsel Tanya Galvan appeared before you in a contested juvenile dependency case. When the attorneys were unable to resolve the case, you asked them to come into chambers, where you gave them the opportunity to argue their positions. During Ms. Galvan's argument, you stood up, reached out and took Ms. Galvan's hand. You wrote "relax" on her hand with a pen. Ms. Galvan felt humiliated and sat down without finishing her argument. You and the attorneys returned to the courtroom and proceeded with a hearing on the case.

Your conduct was in violation of the Code of Judicial Ethics, canons 1, 2A, 3B(4) and 3B(5).

B. In approximately February 2001, you were on the bench during a recess in a juvenile dependency calendar, while attorneys in the courtroom were attempting to resolve cases. You called Deputy County Counsel Tanya Galvan to sidebar. You did not ask any other attorney to sidebar. While discussing a legal issue with Ms. Galvan, you reached out and began to fasten a button on the front of Ms. Galvan's suit. Ms. Galvan was startled and offended. She backed away from you and finished buttoning her suit herself.

Your conduct was in violation of the Code of Judicial Ethics, canons 1, 2A, 3B(4) and 3B(5).

C. On May 8, 2001, you presided over a contested juvenile dependency hearing. Deputy County Counsel Tanya Galvan represented the Department of Social Services. Deputy Public Defender Paul Sukhram represented the mother. Attorney Modesto Rios represented the father.

You declared a recess and requested that the three attorneys meet with you in chambers. After discussing certain issues in the case, the attorneys began to

leave chambers to return to the courtroom to resume the proceedings. You asked Ms. Galvan to remain and to close the door.

Seated behind your desk, with Ms. Galvan seated across from you, you told Ms. Galvan that you were attracted to her. You walked around your desk to Ms. Galvan. Without her consent, you picked her up from her chair and kissed her, putting your tongue in her mouth. You held Ms. Galvan against her will for several seconds while she tried to push you away and otherwise avoid being kissed by you.

When you released Ms. Galvan, she left your chambers and returned to court. You returned to the bench and presided over further proceedings in the case without disclosing what had happened in chambers.

Your conduct was in violation of the Code of Judicial Ethics, canons 1, 2A, 2B(1), 2B(2), 3B(4), 3B(5), 3E(1) and 3E(2).

COUNT TWO

A. In approximately December 2000, during a conversation with attorneys and court staff in your courtroom, it was suggested as a joke that you hold court interpreter Margie Stafford in contempt for being late. You told your bailiff, Deputy Sabas Rosas, to handcuff Ms. Stafford when she arrived and bring her before you.

When Ms. Stafford arrived in the hallway outside your courtroom, a public area where people were present, Deputy Rosas handcuffed Ms. Stafford over her protests and resistance and took her into the courtroom. After Ms. Stafford told you that she was angry, and demanded to be released, you told her that it was a joke and had Deputy Rosas remove the handcuffs. Ms. Stafford felt humiliated.

Your conduct was in violation of the Code of Judicial Ethics, canons 1, 2A, 3B(4) and 3B(5).

B. On or about the same day as the handcuffing incident described above, during a hearing over which you were presiding, Margie Stafford was leaning over a juvenile defendant for whom she was interpreting. You remarked to Ms. Stafford, in substance, that you knew why so many juveniles were requesting an interpreter. You then asked Ms. Stafford to approach the bench, and when she did, you said, in substance, that she knew why, and gestured toward and looked directly at Ms. Stafford's breasts. Ms. Stafford felt embarrassed and offended. Because of this incident and the handcuffing incident, she asked not to be assigned to your court again.

Your conduct was in violation of the Code of Judicial Ethics, canons 1, 2, 2A, 3B(4) and 3B(5).

COUNT THREE

The Riverside County Superior Court engaged the services of independent employment counsel, Gary Scholick, to investigate the allegations made by Tanya Galvan (the subject matter of count one). On May 23, 2001, in connection with that investigation, you were interviewed by Mr. Scholick. Mr. Scholick advised you not to discuss the investigation with anyone. He also advised you that retaliation toward any of the persons named during the interview was prohibited and might violate the law. You told Mr. Scholick that you understood and would abide by his instructions.

On May 31, 2001, you telephoned Mr. Scholick and told him that another judge had told you that interpreter Margie Stafford had reported incidents with you that raised issues of a hostile work environment. You said that Ms. Stafford had been involved in an incident with your courtroom deputy, but that no incident involving Ms. Stafford had anything to do with sexual issues. Mr. Scholick advised you to keep the matter confidential and specifically not to speak to Ms. Stafford about the subject.

On June 5, 2001, Ms. Stafford visited your courtroom to watch a trial that was open to the public. Upon observing Ms. Stafford seated in the public area of the courtroom, you instructed Deputy Sabas Rosas to tell Ms. Stafford that she would not be needed as an interpreter and that she was excused. Ms. Stafford told Deputy Rosas that she was not there as an interpreter, but was there because she had a personal interest in the case. Deputy Rosas related to you what Ms. Stafford had told him.

At a recess, you told Ms. Stafford not to leave. You had Ms. Stafford's supervisor, your courtroom clerk, your court reporter, and your bailiff come into your chambers. You told those assembled that you had heard rumors that Ms. Stafford had made allegations against you and that if the rumors were true, you did not think that it was appropriate for Ms. Stafford to be present in your courtroom.

You then had Ms. Stafford come into chambers with the others still present. You asked Ms. Stafford whether she had made allegations against you. When Ms. Stafford said that she had not, you told her that she was then welcome in your court.

By this, you improperly threatened banishment from a public courtroom, and improperly threatened retaliation for complaints against you, potentially dissuading Ms. Stafford, the others present in chambers and others who became aware of your remarks, from making complaints against you. Your conduct was in violation of the Code of Judicial Ethics, canons 1, 2, 2A, 2B(1) and 2B(2).

COUNT FOUR

On January 7, 2001, Nechama Dina Denebeim was cited in Los Angeles for a violation of Vehicle Code section 12500(a) (unlicensed driver operating a vehicle) and section 24600/24353 (broken tail light). A misdemeanor complaint as to the unlicensed driver violation was filed on February 16, 2001. For failing to appear, a bench warrant was issued on February 22, but held until March 15, 2001.

In early March 2001, the defendant's father, Yonason Denebeim, a long-time acquaintance of yours, telephoned you and complained about the manner in which his daughter had been treated by the court system regarding her citations, and asked you to look into the matter.

Ms. Denebeim's case was not assigned to you and was outside of your court's jurisdiction and would not have come before you for any purpose. Despite that, you had Ms. Denebeim appear in your chambers in Riverside County, where you had her relate her version of events.

On March 13, 2001, you telephoned Judge James Brandlin, the site managing judge for the Airport Court branch of the Los Angeles County Superior Court, regarding Ms. Denebeim's case. You expressed concerns regarding the manner in which the case was processed at the Airport Court and regarding the manner in which Ms. Denebeim was treated by court staff. You asked Judge Brandlin whether Ms. Denebeim's case could be handled without Ms. Denebeim appearing in Los Angeles, and whether you could personally verify that she currently possessed a valid driver's license, which you represented that she did.

Judge Brandlin responded by telling you that the defendant's appearance would be required unless the assigned judicial officer agreed to an appearance by counsel under Penal Code section 977(a), and that it would be inappropriate for you to verify the validity of the defendant's driver's license. Judge Brandlin followed up with a voice mail advising you not to contact him or his court again regarding the case, as it would be unethical to do so. Judge Brandlin then sent you a letter warning you that your involvement in the case might have created the appearance that the Denebeims would receive special treatment, and again advising you to not engage in any further ex parte contacts with the Los Angeles County Superior Court regarding the case while it was pending. You had no further involvement in the case.

Your conduct was in violation of the Code of Judicial Ethics, canons 1, 2, 2A and 3B(7).

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102-3660. The answer shall be verified and shall conform in style to subdivision (c) of rule 15 of the Rules on Appeal, contained in the California Rules of Court. The Notice of Formal Proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This Notice of Formal Proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: 6/4/02

/s/
HON. RISE JONES PICHON
CHAIRPERSON